



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029  
JUL 15 2016

The Honorable Robert C. Scott  
U.S. House of Representatives  
400 North 8<sup>th</sup> Street, Suite 430  
Richmond, Virginia 23219

Dear Representative Scott:

Thank you for your May 18, 2016 letter to the U.S. Environmental Protection Agency (EPA) on behalf of your constituent (b) (6) concerning a drainage issue in eastern Henrico County. (b) (6) states in the correspondence received through your office that stormwater runoff from a "county owned" alley is creating a water backup in the crawl spaces of properties bordering the alley. EPA Region III has contacted the Virginia Department of Environmental Quality (VADEQ) and Henrico County to investigate (b) (6) claim.

As set forth under the Clean Water Act (CWA), EPA authorizes state environmental agencies as the first-line implementers of the National Pollutant Discharge Elimination System (NPDES) stormwater management programs. Once EPA authorizes a state's NPDES program, EPA's primary role is one of state oversight to ensure consistent national implementation of the federally authorized state program. VADEQ implements a federally authorized Clean Water Act (CWA) National Pollutant Discharge Elimination System (NPDES) program in the Commonwealth of Virginia which includes programmatic responsibility for stormwater management. However, authority to implement local stormwater management programs is further delegated from VADEQ to local-level agencies such as Henrico County. Henrico County is currently the delegated authority for implementing local stormwater management programs in the County. EPA's authority to intervene in state and local level program issues in a federally authorized program is limited to circumstances where the state and/or local agency has failed to adequately implement the NPDES program.

As part of the information collection process related to the EPA's investigation, EPA contacted VADEQ's Central Office and Piedmont Regional Office, and received additional historical background information on (b) (6) complaint from Henrico County. EPA's investigation of (b) (6) allegations has determined that Henrico County maintains primary jurisdiction for the stormwater management issues raised in (b) (6) complaint, and the County has been actively engaged in an attempt to resolve (b) (6) drainage issue. Information provided by VADEQ and Henrico County indicates that both agencies previously advised (b) (6) that the drainage issue subject to the complaint is occurring on (b) (6) private property, and is not the responsibility of the County or the Commonwealth. Furthermore, Henrico County conducted a topographical survey of (b) (6) lot and

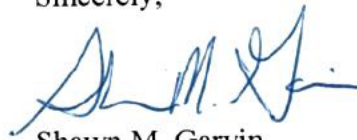


the surrounding areas, and provided (b) (6) the survey as well as recommendations for improving drainage on this property. The County also offered (b) (6) technical assistance including engineering solutions to address the drainage issues on (b) (6) property. As of the date of this correspondence, (b) (6) continues to dispute the determinations of VADEQ and Henrico County regarding jurisdictional responsibility in the matter.

Based upon the information provided by VADEQ and Henrico County, EPA has determined that the Commonwealth and the County have conducted a thorough investigation of the allegations presented by (b) (6) and reached a program determination within the scope of their state/local NPDES authorities. EPA will not take further federal action to intervene based upon the current set of facts.

If you have any questions, please do not hesitate to contact me or have your staff contact Mr. Brian Hamilton, EPA's Virginia Liaison, at 215-814-5497.

Sincerely,

A handwritten signature in blue ink, appearing to read "Shawn M. Garvin".

Shawn M. Garvin  
Regional Administrator